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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SOLANNEX, INC.,

Plaintiff,

v.

MIASOLÉ, INC.,

Defendant.

Case No. 5:12-cv-00832-LHK

SECOND STIPULATED MOTION TO  
CONTINUE CASE MANAGEMENT  
CONFERENCE & ~~PROPOSED~~ ORDER

District Judge Lucy H. Koh

Pursuant to Civil Local Rules 6-1(b) and 6-2, Plaintiff Solannex, Inc. (“Solannex”) and Defendant MiaSolé, Inc. (“MiaSolé”) (collectively, the “parties”) respectfully request that the Court grant this stipulation by which the parties AGREE AND STIPULATE to continue the date of Case Management Conference currently scheduled in this case for Wednesday, June 13, 2012, at 2:00 p.m. to Wednesday, June 20, 2012 at 2:00 p.m., and to correspondingly extend the current June 6, 2012, date for the parties to submit their Joint Case Management Statement to June 13, 2012. In support thereof, the parties state as follows.

1. Procedural History

In 2011, Solannex filed *Solannex, Inc. v. MiaSolé, Inc.*, No. 5:11-cv-00171-PSG and stipulated to Magistrate Judge Grewal for all purposes (Solannex I). On May 23, 2012, Magistrate Judge Grewal issued his Order Denying Defendant’s Motion to Consolidate, which was entered in

1 this case (ECF No. 14), denying MiaSolé's motion to consolidate this case with Case No. 11-cv-  
 2 00171-PSG on the grounds that Solannex had not stipulated to a Magistrate Judge in this action. On  
 3 May 30, 2012, MiaSolé filed its Answer and Counterclaims (ECF No. 15). On May 31, 2012 (ECF  
 4 No. 18) this case was reassigned to the Honorable Lucy H. Koh for all further proceedings. The  
 5 June 1, 2012, Clerk's Notice Setting Case Management Conference (ECF No. 19) set a Case  
 6 Management Conference for Wednesday, June 13, 2012 at 2:00 p.m. The Case Management  
 7 Statements were set to be due no later than Wednesday, June 6, 2012. On June 6, 2012, the parties  
 8 filed their first Stipulated Motion to Continue Case Management Conference (ECF No. 20) which  
 9 was denied by the Court on June 12, 2012 (ECF No. 21). The Court's order required the parties to  
 10 file their joint case management conference statement by June 12, 2012, at noon, or alternatively,  
 11 file a stipulation to continue the June 13th case management conference to June 20, 2012.

## 12 2. Reasons for the Requested Enlargement of Time

13 Counsel for Solannex is unavailable on June 13, 2012 due to prior commitments which were  
 14 scheduled before this case management conference was set. Since the setting of this conference on  
 15 June 1, 2012 the parties have been in discussions about re-scheduling the conference to a mutually  
 16 agreeable date.

17 Defendant MiaSolé is prepared to move forward with the case management conference on  
 18 June 13, 2012, as set in the schedule proposed by the Court. MiaSolé submits that it is particularly  
 19 important for this Court to address case management issues in this matter given that the matter  
 20 pending before this Court is the second of two matters Solannex has filed against MiaSolé  
 21 involving the same accused products, the same parties, and patents in the same patent family.  
 22 Nevertheless, given Solannex's lead counsel's vacation schedule, MiaSolé will agree to continue  
 23 the case management conference to June 20, 2012.

## 24 3. Previous Time Modifications

25 There have been no previous time modifications in this case.

## 26 4. Effect of Requested Modification

27 Solannex agrees and stipulates that it will not use MiaSolé's agreement to continue this case  
 28 management conference, or the fact or amount of any discovery taking place between the original

1 date for the case management conference and the rescheduled case management conference,  
2 including but not limited to depositions, as a basis to argue against any efforts by MiaSolé to  
3 consolidate, relate or otherwise coordinate the schedules of Solannex I and this action. Since no  
4 schedule has been entered in this case, there is no effect on any other dates.

5 So Stipulated.

6 Dated June 12, 2012

7 I, Case Collard, attest that concurrence in the filing of this document has been obtained from  
8 the other signatory below.

9  
10 /s/ Case Collard

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18 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

20 Dated: June 12, 2012

21   
22 UNITED STATES DISTRICT JUDGE LUCY H. KOH